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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,934	09/28/2000	John Hadfield	00AB183	7590
John J Horn Allen-Bradley Company LLC Patent Dept 704P Floor 8 T-29 1201 South Second Street Milwaukee, WI 53204-2496			EXAMINER GART, MATTHEW S	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/672,934

Applicant(s)

HADFIELD ET AL.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20, 22-25, 31-35 and 37-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20, 22-25, 31-35 and 37-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/2007 has been entered.

### ***Prosecution History Summary***

Claims 1-11, 20, 22-25, 27-35 and 37-54 are pending in the present application and rejected as set forth below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-11, 20, 22-25, 31-35 and 37-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Skoolicas (U.S. Patent No. 6,230,403).**

Referring to claim 1. Skoolicas discloses a method for selling engineered electrical systems (column 2, lines 26-51), the method comprising the steps of:

generating a database for an electrical system comprising a plurality of programmable devices, the database including device designation data (column 32, lines 36-62);

soliciting an order for the system (column 31, lines 48-59);

assembling the system including the plurality of programmable devices in accordance with the order (column 32, lines 36-62); and

configuring memory objects within the devices by downloading at least the device designation data from the database (column 2, lines 42-51 and column 34, lines 41-57) into respective memory objects of the devices (column 34, lines 26-35 and column 35,

lines 17-20: Please see Opinion decided before The Board of Patent Appeals and Interferences decided March 30, 2007, page 3-4).

The Examiner notes, the specification as originally filed (9/28/2000) discloses designation data as code, which identifies or designates the system, the components, and physical location or configuration information for the components (Specification as originally filed: page 12, lines 26-28).

The Examiner further notes, Skoolicas discloses that the programmable devices are programmed using programming specifications provided by the SMI (Skoolicas: column 34, lines 41-57).

Skoolicas further discloses that the specifications for a power supply are application specific. Thus, while many power supplies may share certain common characteristics such as a similar input voltage range or the presence of a 5-volt output, many power supplies are customized, by design, for use in a particular product or system (Skoolicas: column 1, lines 6-18). Furthermore, as taught by Skoolicas (Skoolicas: column 4, lines 12-19), the power supply specifications may include at least one of the following details: (a) a shape of the user-defined package, (b) a dimension of the user-defined package, (c) a position of at least one of the components in the user-defined package, (d) an orientation of at least one of the components in the user-defined package. Therefore, the power supply specification data that is programmed into the programmable device as discussed in Skoolicas sufficiently anticipates the meaning of "Designation Data" as defined by the applicant.

Art Unit: 3625

However, even though Skoolicas discloses all the claimed elements as indicated above, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.

Referring to claim 2. Skoolicas further discloses a method comprising the step of designing the electrical system including the plurality of programmable devices (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 3. Skoolicas further discloses a method wherein the device designation data includes data representative of a physical location of a device in the system (column 32, lines 36-62).

The Examiner notes, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.

Referring to claim 4. Skoolicas further discloses a method wherein the device designation data includes data representative of a function of a device in the system (column 32, lines 36-62).

The Examiner notes, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.

Referring to claim 5. Skoolicas further discloses a method wherein the step of soliciting the order includes computing price data, based upon the database (column 31, lines 48-59).

Referring to claim 6. Skoolicas further discloses a method comprising the step of storing the database in a computer coupled to the system (Figure 5).

Referring to claim 7. Skoolicas further discloses a method wherein the system includes a plurality of subassemblies, at least a portion of the subassemblies including at least one programmable device, and wherein the memory objects of the programmable devices are configured after arrangement of the devices on the subassemblies (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 8. Skoolicas further discloses a method wherein the memory objects of the programmable devices are configured prior to arrangement of the subassemblies in the system (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 9. Skoolicas further discloses a method wherein the memory objects of the programmable devices are configured after arrangement of the subassemblies in the system (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 10. Skoolicas further discloses a method wherein the devices include electrical power switching devices mounted within an enclosure (column 1, line 4 to column 2, line 24).

Referring to claim 11. Skoolicas further discloses a method wherein the system includes a motor control center (column 1, line 4 to column 2, line 24).

Referring to claim 20. Claim 20 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claim 3.

Referring to claim 23. Skoolicas further discloses a method wherein the step of programming the programmable components is performed following final assembly of the components in the system (column 2, lines 42-51 and column 34, lines 41-57).



Referring to claim 24. Skoolicas further discloses a method wherein the step of assembling the system includes coupling the components to a data network in the system for accessing data from each programmable component (column 20, lines 1-14).

Referring to claim 25. Skoolicas further discloses a method wherein the programmable components are programmed via the data network (Figure 5).

Referring to claim 31. Claim 31 is rejected under the same rational as set forth above in claim 1.

Referring to claim 32. Claim 32 is rejected under the same rational as set forth above in claim 4.

Referring to claim 33. Claim 33 is rejected under the same rational as set forth above in claim 3.

Referring to claim 34. Claim 34 is rejected under the same rational as set forth above in claim 1.

Referring to claim 35. Claim 35 is rejected under the same rational as set forth above in claim 4.

Art Unit: 3625

Referring to claim 37. Claim 37 is rejected under the same rational as set forth above in claim 6.

Referring to claim 38. Claim 38 is rejected under the same rational as set forth above in claim 7.

Referring to claim 39. Claim 39 is rejected under the same rational as set forth above in claim 8.

Referring to claim 40. Claim 40 is rejected under the same rational as set forth above in claim 9.

Referring to claim 41. Claim 41 is rejected under the same rational as set forth above in claim 7.

Referring to claim 42. Claim 42 is rejected under the same rational as set forth above in claim 1.

Referring to claim 43. Claim 43 is rejected under the same rational as set forth above in claim 3.

Art Unit: 3625

Referring to claim 44. Claim 44 is rejected under the same rational as set forth above in claim 9.

Referring to claim 45. Claim 45 is rejected under the same rational as set forth above in claim 24.

Referring to claim 46. Claim 46 is rejected under the same rational as set forth above in claim 25.

Referring to claims 47-54. Claims 47-54 are rejected under the same rationale as set forth above in claims 1-11, 20, 22-25, 27-35 and 37-46.

***Response to Arguments***

Applicant's arguments filed 5/18/2007 have been fully considered but they are not persuasive.

The attorney remarks that the board only analyzed claim 1 in any detail with respect to the downloading of data (e.g. nonfunctional descriptive data) into memory objects of the programmable components.

The Examiner notes, the Board clearly remarked on the automated manufacturing process disclosed in Skoolicas, which "allows power supply manufacturing to ship custom power supplies within a day or two after the specification is complete." The board explicitly states on page 4 of the opinion, "Thus, a fairer reading of Skoolicas is that the data is downloaded from the database and automatically entered into the programmable elements."

Art Unit: 3625


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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